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FM SECSTATE WASHDC
TO RUEHAK/AMEMBASSY ANKARA IMMEDIATE 9312
RUEHBJ/AMEMBASSY BEIJING IMMEDIATE 9386
RUEHHI/AMEMBASSY HANOI IMMEDIATE 9858
RUEHKM/AMEMBASSY KAMPALA IMMEDIATE 6102
RUEHME/AMEMBASSY MEXICO IMMEDIATE 2999
RUEHMO/AMEMBASSY MOSCOW IMMEDIATE 2180
RUEHOU/AMEMBASSY OUAGADOUGOU IMMEDIATE 8703
RUEHSJ/AMEMBASSY SAN JOSE IMMEDIATE 1011
RUEHKO/AMEMBASSY TOKYO IMMEDIATE 9846
RUEHVI/AMEMBASSY VIENNA IMMEDIATE 8859
RUEHVB/AMEMBASSY ZAGREB IMMEDIATE 2963
INFO RUEHKKH/AMEMBASSY KHARTOUM IMMEDIATE 7917
RUEHLO/AMEMBASSY LONDON IMMEDIATE 5555
RUEHFR/AMEMBASSY PARIS IMMEDIATE 5413
RUEHTRO/AMEMBASSY TRIPOLI IMMEDIATE 8611
RUCNDT/USMISSION USUN NEW YORK IMMEDIATE 6979

UNCLAS SECTION 01 OF 02 STATE 077701

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SUBJECT: ACTION REQUEST - MANDATE RENEWAL FOR THE UNITED NATIONS - AFRICAN UNION MISSION IN DARFUR (UNAMID)

11. Summary. This is an action request. Please see paragraph 3 for action. The mandate for the United Nations-African Union Mission in Darfur (UNAMID) will expire on July 31. A UN Security Council (UNSC) decision on UNAMID,s mandate renewal will take place on July 30. Libya is seeking to insert unacceptable language into an otherwise strong UK text, suggesting that the UNSC should suspend the International Criminal Court,s arrest warrant for Sudanese President Bashir. Posts are requested to ask host governments to oppose Libya,s language, drawing from the talking points in paragraph 3. End summary.

12. Background. In July of 2008, the prosecutor of the International Criminal Court (ICC), Luis Moreno Ocampo, indicted Sudanese President Bashir for war crimes and requested the Court to issue an arrest warrant against President Bashir. The African Union immediately issued a communique expressing concern that the actions of the ICC prosecutor would undermine reconciliation efforts to end a longstanding conflict in Darfur, Sudan, and requested the UNSC to use its authority under Article 16 of the Rome Statute of the ICC to defer the indictment. Libya successfully inserted a reference to this communique into the 2008 UNSC resolution renewing UNAMID,s mandate, forcing the U.S. to abstain on a high-profile and politically important resolution. Now, as the Council prepares to debate the renewal of UNAMID,s mandate for another year, Libya has again proposed that a reference to this communique be included in the new UNSC resolution renewing UNAMID,s mandate. In addition, Libya is proposing that the Council endorse a recent African Union decision to refuse to cooperate with the ICC in the arrest and surrender of President Bashir.

13. Action request. Posts are requested to ask host governments, all of whom are sitting members of the UNSC, to oppose Libya,s language, drawing from the talking points below. USUN indicates China and Vietnam support Libya,s text; Croatia, France, Japan, Costa Rica, the UK, and Mexico oppose it, and Turkey, Uganda, Burkina Faso, Russia, and Austria are undecided. Posts are requested to make the demarche as soon as possible; final consultations are scheduled for the UNSC on July 30. End action request.

Begin Talking Points:

General Points for all posts to draw from:

-The mandate for the United Nations-African Union Mission in Darfur (UNAMID) is set to expire on July 31.

-We need your assistance in opposing controversial text proposed by Libya, which endorses African Union documents suggesting the UN Security Council should suspend the International Criminal Court,s arrest warrant for Sudanese President Bashir, and that countries should consciously not comply with their respective obligations to arrest or surrender him.

-UNAMID is slated to be the UN,s largest peacekeeping mission in history. It is important that the Council acts with one voice. It is disappointing that the Council risks a divide on this resolution because of political issues that don,t have anything to do with the strength or effectiveness of UNAMID.

-The proposed Libyan text is unacceptable to the U.S. This resolution should be about strengthening UNAMID and making sure it has the mandate, troops, and equipment it needs. We should refrain from using the UNAMID mandate renewal resolution to push other ancillary political agendas. Instead, we should strive for a resolution that all can join behind in order to send the right message of Council support for UNAMID.

Additional Points for CROATIA, JAPAN, COSTA RICA, MEXICO

-Please help us to urge other Council members Turkey, Uganda, Burkina Faso, China, Vietnam, and Russia to oppose Libya,s text calling for the Council,s acknowledgement of African

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Union communiquis containing controversial language not agreed to by all Council members.

FOR BURKINA FASO, UGANDA:

-We need your assistance in working with Libya to withdraw controversial text from the resolution, which endorses African Union documents suggesting the UN Security Council should suspend the International Criminal Court,s arrest warrant for Sudanese President Bashir, and that countries should consciously not comply with their respective obligations to arrest or surrender him.

-(Burkina Faso Only) Burkina Faso has a special stake in ensuring U.S. support for UNAMID,s mandate. The United States trained and equipped Burkina Faso,s first-ever UN peacekeeping battalion, currently slated for UNAMID. The Libyan language will spoil consensus, weakening a resolution which UN-AU Chief Mediator Bassole and Burkinabe peacekeepers are working hard to implement.

FOR TURKEY, AUSTRIA:

-Please ensure your mission in New York is instructed to oppose this language. Our mission is reporting your delegation is &undecided8 on its position, but we believe your government shares our position that UN peacekeeping resolutions are not the appropriate arena for trying to resolve ancillary political issues.

FOR RUSSIA

-We need your assistance in working with Libya to withdraw controversial text from the resolution, which endorses African Union documents suggesting the UN Security Council should suspend the International Criminal Court,s arrest warrant for Sudanese President Bashir, and that countries should consciously not comply with their respective obligations to arrest or surrender him.

-Our mission is reporting your delegation is &undecided8 on its position. We believe the rollover of UNAMID,s mandate should be clean and fairly technical, with a focus on prioritizing the mission towards the protection of civilians and the delivery of humanitarian assistance.

--The P5 needs to be unified when it comes to UN peacekeeping resolutions. Our actions impact the international credibility of the mission. We hope your government shares our position that UN peacekeeping resolutions are not the appropriate arena for trying to resolve ancillary political issues.

FOR CHINA

-The P5 needs to be unified when it comes to UN peacekeeping resolutions. Our actions impact the international credibility of the mission. The rollover of UNAMID,s mandate should be clean and fairly technical, with a focus on prioritizing the mission towards the protection of civilians and the delivery of humanitarian assistance.

-This is not the arena for politicking and advancing ancillary political agendas. It is very disappointing to us that some on the Council would seek to use the UNAMID resolution as a proxy for forcing an inadvertent Council position on invoking Article 16 of the Rome Statute of the ICC. Please encourage Libya to withdraw this text.

CLINTON